

Mr. DASCHLE. Mr. President, let me reiterate something I think everybody understands. Obviously, the consideration of an amendment does not mean the disposal or the resolution of the issue. The Senator is only asking for consideration of the amendment. It could be second-degreed. It could be debated. I do not know that he has asked that it be brought to some final conclusion.

I will say this: If cloture is invoked, if the amendment has not been disposed of and it is not a germane amendment, then it would fall, but that certainly would not disallow the consideration of an amendment. So, again, I would pursue my request.

Mr. DODD. Will the majority leader yield for 1 minute?

Mr. BROWNBACK. If the Senator will yield, I think I have perhaps a solution.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. I ask the amendment I have been considered after the Allen amendment tonight. I am prepared to put it forward this evening, if it would be acceptable to the leader to do that.

Mr. GRAMM. Will the distinguished majority leader yield?

Mr. DASCHLE. I would be happy to yield.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. I am hopeful that at some point we are going to work out a compromise and move this bill forward. It seems to me the position we are in is we want to set this vote up for tomorrow. The Senator has the right to object to doing that, pending getting the opportunity guaranteed that he can offer his amendment. If he is here—and he has this problem with this funeral apparently—no one can prevent him from doing it. I am hopeful if we work out a compromise that we might talk him out of offering the amendment. So I think we should accept the amended unanimous consent request of the majority leader. I do not see that we are giving him anything that he would not have if we were not here. It seems to me, pending trying to work out a compromise, that we would be better off not having it offered tonight. He could offer it as a second-degree amendment tonight—it is perfectly within the rules—by objecting to setting up the vote for tomorrow. So I think the logical thing to do is to take the majority leader's proposal.

Mr. DODD. Will the majority leader yield for one question?

Mr. DASCHLE. Yes.

Mr. DODD. I would make a parliamentary inquiry. If there is a unanimous consent request which is agreed to, for the consideration of an amendment that would otherwise fail in a postcloture environment, does that amendment still prevail if cloture is invoked? Or at least will that amendment be considered without being violative of the rules of cloture?

The PRESIDING OFFICER. If that is the intent of the unanimous consent request, then it would be in order.

The Senator from Virginia.

Mr. ALLEN. Mr. President, if I may ask the distinguished majority leader a question, so I understand the procedure as he originally outlined it. May I inquire as to when the vote on my amendment would occur? As far as I am concerned, the amendment having to do with getting after terrorist assets for those who obtain judgments in this country has broad bipartisan support. Is there any reason why we could not vote on that tonight or, in accommodation to a lot of people who will be gone, vote on it on Tuesday?

Mr. DASCHLE. Mr. President, I was entertaining the possibility of voting on the Allen amendment, as well as on the Santorum amendment, tomorrow morning. If the discussion of the amendment has been completed, we could lay it aside temporarily to allow the Brownback amendment to be laid down and then return to the Allen amendment tomorrow morning. That would be fine with me. I will say that this will generate other amendments. The Brownback amendment will not be the only amendment offered.

Mr. ALLEN. All right.

Mr. BROWNBACK. We will then be able to dispose of the Allen amendment tomorrow morning. So I have no reservations or objections to doing that if our colleagues would be interested in taking that approach.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. A further inquiry of our leader. The point is, as I understand it, at some point tomorrow morning the earliest vote would be a vote on the Santorum amendment. Let us assume the vote on the Santorum amendment is at 9 or 9:30. Thereafter, say 10 minutes later, there would be a vote on my amendment tomorrow morning?

Mr. DASCHLE. Mr. President, we have not propounded the request, but it would be my intention to vote on it immediately after the disposition of the Santorum amendment.

Mr. ALLEN. I have no objection.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. If there is no disagreement, I would then again amend my request in the following manner: In addition to the request as it was originally propounded, I ask that we vote on the Allen amendment immediately following the disposition of the Santorum amendment tomorrow morning. I would further ask that the Allen amendment be set aside to accommodate the amendment to be offered by the Senator from Kansas, and that amendment be the pending business this evening; that we return to the Santorum amendment tomorrow morning, to be followed then by the Allen amendment, after its disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, just for clarification, when I refer to the

Santorum amendment, I refer to the legislation as it was referred to in the unanimous consent request. It is more than an amendment. It is now a free-standing bill under the request. I think all of my colleagues understood that, but I want to ensure that people know that would be the order of business tomorrow morning.

With this request, there will be no further rollcall votes tonight.

Mr. President, I ask further unanimous consent that no amendments be in order to the Allen amendment prior to the vote on the Allen amendment tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, if there are no Senators wishing to be recognized, I have a statement to make, for which I will use leader time, with regard to the Middle East.

The PRESIDING OFFICER. The Senator is recognized.

THE MIDDLE EAST

Mr. DASCHLE. Mr. President, too often, the crush of daily business here in the Senate leaves us little time to discuss important issues that are not directly and immediately before us.

Among the many issues that deserve greater attention, none is more important than the need for peace in the Middle East, and the security of our friend and ally, Israel. The urgency and importance of this issue couldn't be more stark. In this past week alone, a suicide bomber—the 68th in the last 21 months—blew up a fast food restaurant in Israel, killing a 15-year-old girl. Another bomb, placed near a road near Hebron, injured three Israeli teenagers. A third bomb, detonated next to a bus outside Tel Aviv, killed 17 Israelis. A fourth attack—this one with guns, not bombs—killed a pregnant mother. Less than a week: three bombs; several attacks. The targets in each—civilians: fathers, mothers, teenagers, young children.

Given the steady stream of terrorist acts, the historic enmity between the parties, and the stakes involved, the situation could hardly be more difficult. But we cannot turn our backs or allow the specter of violence to diminish our commitment. Our unique relationship with Israel, and the strategic importance of the Middle East, demand that the United States play a leading role in helping to end the current crisis.

The President recognizes this dynamic, and has spoken out forcefully on the importance of the leaders in the region taking steps to end the violence. There can be no mistaking the indignation he feels about what is happening in Israel or his appreciation for the strategic importance of the entire region to our national security. In fact, he and his team have undertaken an effort to sound out leaders in the region in order to fashion a new way forward. I understand that as early as next week

he will outline the results of those efforts. Like all Americans, I am eager to hear the President's plan.

If there is one message in our success so far in the global war on terrorism it is this: When we stand together, terrorism cannot win. Right now, at this very moment, Afghanistan's new leaders are meeting in Kabul to choose a new government, a government that will represent Afghans of all ethnic backgrounds. They are sending a message of hope that the Taliban and al-Qaida never could: Terrorists can only destroy, democracies build. We want the Palestinian people to know that if their leaders will take the necessary steps to end the violence in their region, we are ready to build in the West Bank and Gaza too.

This afternoon I want to talk briefly about three principles that I believe should guide our efforts to help bring security, stability, and, ultimately, peace to this troubled region.

First, after 68 homicide bombings, the debate over whether Chairman Arafat is unable or unwilling to stop terrorism is unproductive and irrelevant. It is no longer important. What matters is that Chairman Arafat has clearly and consistently failed the test of leadership. If Chairman Arafat would take consistent, decisive actions against terrorist violence, circumstances would be different. But he has been unwilling to exercise this basic authority that is required of his office and required by the agreements he has signed and the commitments he has made on behalf of the Palestinian people. He has undermined his own credibility as the leader of the Palestinian people.

The second principle that should guide our efforts is this: Words alone are not enough. Reform demands results. Saudi Arabia, Egypt, and Jordan are all pushing for reforms of the Palestinian Authority. Their efforts are commendable. Unfortunately, their demands—and the demands of the Palestinian people—seem to be falling on deaf ears. Chairman Arafat has put a figurehead in control of the security services, leaving the power in his own hands. He signed the Basic Law but has done nothing to implement it. He added five new faces to his Cabinet, none of whom has the power to affect real change. And he announced new elections but set no date for them.

It is time to demand results, beginning with a democratic Palestinian leadership that confronts corruption and provides security for the Palestinian people and their neighbors. We want the Palestinian people to know: Such changes will garner support—in this country and in this Congress. America's people and political institutions will help rebuild the West Bank and repair the infrastructure of Palestinian society when the Palestinian leadership rejects violence and moves toward real, democratic reform. Such leadership, I am convinced, will also find a willing partner in Israel, which

has time and again taken risks for peace. Rabin did it at Oslo, Netanyahu at Wye, and Barak at Camp David. And earlier this week, in this very building, Prime Minister Sharon made it clear he would be willing to make the sacrifices necessary to add his name to this distinguished list of warriors who fought for peace, if he is convinced there is a committed partner on the other side of the peace table.

The third and final principle is this: America's commitment to peace in the Middle East must be clear and consistent. It must never wane. President Harry Truman recognized Israel as a valued ally 6 minutes after Israel was created. Every American President since Harry Truman has known that the best hope for peace and positive reform in the region lies in sustained and decisive American engagement.

Every President since Harry Truman has made such engagement a cornerstone of American foreign policy. The current violence in the Middle East does not diminish the importance of U.S. engagement, it increases it. If there is to be any lasting peace, any chance for regional stability, Israel must be secure enough to make peace and strong enough to enforce it. That is a commitment the United States has made—and will keep. But there is another commitment we must honor as well, and that is our commitment to stand by Israel when she takes risks for peace, and stand with all parties who embrace peace as their goal—Israelis and Palestinians.

The United States is, and will remain, Israel's best friend. We are also the best hope for bringing all of the parties in the region together at the peace table. No other country in the world is in a better position to facilitate a dialog. We must remain actively and consistently engaged in the search for peace. We do not, for one minute, underestimate the difficulty of this task. The challenges, and the risks, are enormous. But the probable cost of doing nothing or vacillating from our historic course is far greater. It is too great a price to even consider.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRORISM RISK INSURANCE ACT OF 2002—Continued

Mr. BROWNBACK. Mr. President, I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3843

(Purpose: To prohibit the patentability of human organisms, and for other purposes)

Mr. BROWNBACK. Under the previous unanimous consent agreement, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 3843:

At the appropriate place add the following:
SEC. ____ UNPATENTABILITY OF HUMAN ORGANISMS.

Section 101 of title 35, United States Code, is amended—

(1) by inserting “(a) IN GENERAL.—” before “Whoever”; and

(2) by adding at the end the following:

“(b) UNPATENTABILITY OF HUMAN ORGANISMS.—

“(1) DEFINITION.—In this subsection, the term ‘human cloning’ means human asexual reproduction, accomplished by introducing nuclear material from one or more human somatic cells into a fertilized or unfertilized oocyte whose nuclear material has been removed or inactivated so as to produce a living organism (at any stage of development) that is genetically virtually identical to an existing or previously existing human organism.

“(2) UNPATENTABILITY.—A patent may not be obtained for—

“(A) an organism of the human species at any stage of development produced by any method, whether in vitro or in vivo, including the zygote, embryo, fetus, child or adult;

“(B) a living organism made by human cloning; or

“(C) a process of human cloning.”.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Kansas.

Mr. BROWNBACK. Madam President, we are going to open a debate in the U.S. Senate on the future of humanity. I asked the clerk to read the entirety of the amendment because I wanted people to know what is pending now. The issue is a very narrow and a very clear one. It is about whether or not we allow the patenting of people.

This is an issue that is pending. There are at least three different patents in front of the Patent Office. The issue of whether you can patent human life or the process of creating human life is a question that is a live one in front of our Government, in front of our people. As I mentioned, there are three pending today. There are likely to be many more.

This is a narrow subsection of the overall issue on human cloning. This is not the issue about a moratorium on cloning. It is not the issue about a ban on human cloning. It is not the issue about therapeutic cloning. This is about whether or not we as a government will allow a person, a human in any stage or age of its development and growth, to be patented.

Currently, the Patent Office is rejecting these patents, saying they have that authority under the 13th amendment to the Constitution. That is the amendment that bans slavery. I happen to think the Patent Office is on good ground to be able to say that they cannot allow these patents because this would be slavery.

There are others who are contending that the young human at various stages—an embryo—is not a person, therefore is patentable; that a person can be patented because it is a piece of property. It is, in essence, livestock.